IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 1500 of 1996

Between:

D.S.Narayana S/o. Bala Krishnaiah
h/o at 22-59 Road No.2
Saraswathinagar Colony Saroornagar, Hyderabad-500 060

..... PETITIONER

AND

1 The Depot Manager APSRTC, Hayathnagar Depot
Hayathnagar R.R.Dist.
2 The Presiding Officer Hon'ble Labour Court No.III
Chandra Vihar Bldgs, Nampally
Hyderabad-1

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of certiorari calling for the records and quashing the Award passed by the 2nd respondent herein in I.D.NO.525 of 1993, dt: 17/7/1995 which was published in Gazette Vide G.O.Rt.No.2225, dt: 27/9/1995, in so far as it relates to holding that the charges No.1 & 2 are proved against petitioner and denying the attendant benefits and back wages.

Counsel for the Petitioner: MR.A.RAMANARAYANA

Counsel for the Respondents: V.T.M.PRASAD

SC FOR A.P.S.R.T.C.

The Court made the following:

ORDER:

This writ petition is filed by the workman being aggrieved by the award passed by the Labour Court No.III, Hyderabad in I.D.No.525 of 1993, dated 17-07-1995, insofar as denying the back wages and other attendant benefits.

2. The petitioner was initially appointed as a Conductor in A.P.S.R.T.C. in the year 1992. While he was conducting bus on route No.8N from Gandhi Bhavan, Nampally to N.G.G.Os Colony, a check was exercised by the officials of the Corporation and found certain cash and ticket irregularities. Basing on the same, a charge sheet was issued, domestic enquiry was conducted and thereafter, petitioner was removed from service on 29-03-1993. Aggrieved by the same, petitioner raised an Industrial Dispute before the Labour Court under Section 2 (A) (2) of the Industrial Disputes Act, 1947
(for short 'the I.D. Act') making various allegations against the respondent-Management. The respondent-Management filed a detailed counter before the Labour Court denying the allegations made by the petitioner. Before the Labour Court, on behalf of the workman, no oral evidence was let in. However, documents Exs.W-1 to W-5 were marked. On behalf of the respondent-Management, MW-1 was examined and documents Exs.M1 to M8 were marked. After evaluation of the entire evidence available on record, the Labour Court came to a conclusion that the removal of the petitioner from service was disproportionate to that of the misconduct alleged against him, though the charges are proved. Therefore, the Labour Court while exercising its power under Section 11 (A) of the I.D. Act, directed the reinstatement of the petitioner into service with continuity of service but without any back wages and attendant benefits. Aggrieved by the same, the present writ petition is filed.

3. The learned counsel for the petitioner submits that assuming that the charges 1 and 2 are proved, they are very trivial in nature and therefore the Labour Court ought to have granted further relief of back wages and attendant benefits while reinstating the petitioner into service. Thus, the Labour Court having found that the punishment was disproportionate, ought not to have denied the back wages and attendant benefits altogether for the period he was out of employment.

4. In view of the submissions made by the counsel on either side and gone through the award passed by the Labour court and also the evidence available on record, I

am of the opinion that the Labour Court has taken a lenient view of the matter, though the charges are very serious in nature and were proved in full, and granted relief of reinstatement with continuity of service. The Labour Court has not committed any error in denying the back wages and attendant benefits to the petitioner while granting relief of reinstatement, exercising its power under Section 11 (A) of the I.D. Act.

5. Under charges 1 and 2, the petitioner failed to collect fare and issue tickets to 8 male passengers and 3 female passengers who boarded the bus at stage No.1, though the bus had passed more than 4 fare stages. Any amount of explanation would not convince as to why the petitioner has not issued tickets for these 11 passengers though they have boarded the bus at stage No.1 and traveled without ticket for more than 4 fare stages. The only job supposed to be attended to by the Conductor is to collect the fare and issue tickets to the passengers. Non-issuance of tickets is a serious dereliction of duty and a serious misconduct.

6. In view of the above, I see no reasons to interfere into the award passed by the Labour Court for granting any further relief to the petitioner. The writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

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(C.V.RAMULU, J)

Dated 18 February, 2005.

YCR

1 The Depot Manager APSRTC, Hayathnagar Depot

Hayathnagar R.R.Dist.

2 The Presiding Officer, Labour Court No.III
Chandra Vihar Bldgs, Nampally, Hyderabad-1

3. 2 C.D. copies.